

UNITED STATES DISTRICT COURT **Apr 01, 2019**
EASTERN DISTRICT OF WASHINGTON SEAN F. MCAVOY, CLERK

FLORENTE ALVAREZ,

Plaintiff,

v.

TRUCKS PLUS USA,

Defendant.

No. 1:18-cv-03160-SMJ

ORDER DISMISSING CASE

By order filed January 28, 2019, the Court advised Plaintiff Florente Alvarez of the deficiencies of his complaint and directed him to amend it or voluntarily dismiss it within sixty days. ECF No. 6. Plaintiff is proceeding *pro se* and *in forma pauperis*. Defendant Trucks Plus USA has not been served in this civil action. The Court cautioned Plaintiff that if he failed to comply with the order, it would dismiss his complaint.

Plaintiff did not comply with the Court's January 28, 2019 order and has filed nothing further in this action. Therefore, for the reasons stated in the order, the Court dismisses Plaintiff's constitutional claim for failure to state a claim upon which relief can be granted under 28 U.S.C. § 1915(e)(2)(B)(ii), and dismisses his statutory claims for lack of subject matter jurisdiction under Federal Rule of Civil

1 Procedure 12(b)(1) and (h)(3).

2 Accordingly, **IT IS HEREBY ORDERED:**

3 **1.** All claims are **DISMISSED WITHOUT PREJUDICE**, with all
4 parties to bear their own costs and attorneys' fees.

5 **2.** All pending motions are **DENIED AS MOOT**.


6 **3.** All hearings and other deadlines are **STRICKEN**.

7 **4.** The Clerk's Office is directed to **ENTER JUDGMENT** and **CLOSE**
8 this file.

9 **5.** The Court certifies that an appeal of this Order could not be taken in
10 good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A).

11 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
12 forward a copy to *pro se* Plaintiff.

13 **DATED** this 1st day of April 2019.

14 
15 SALVADOR MENDOZA, JR.
United States District Judge